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	First Named Inventor	Bjarke de Jager Gotfredsen	
	Art Unit	2876	
	Examiner Name	Jamara Franklin	
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Firm Name	Maguire Law Office		
Signature	<i>Daniel P. Maguire</i>		
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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Bjarke de Jager Gottfredsen	}	Date: 14 July 2005
Application No.: 09/674,714		Group Art Unit: 2876
Filed: December 19, 2000		Examiner: Jamara Franklin
For: Mouse Pad Comprising a Card Read/Write Device		Attorney Ref. No.: 105.01

Appellate Reply Brief

Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

The applicant respectfully submits this appellate reply brief.

The examiner's rejection depends upon the assertion that Patret's "desk pad" qualifies as a mouse pad, where a mouse pad is defined as "a relatively small pad with a substantially planar running surface." See Claim 1.

The examiner apparently agrees that Patret's desk pad is not "relatively small," as that phrase is used within the present claims. (See Examiner's Answer at 3 "Patret is silent as to the mouse pad unit comprising a relatively small pad"). This concession is reasonable, since the specification of the present application gives an exemplary dimension of "245 x 205 mm" (24.5 cm x 20.5 cm), which yields an area of 502 cm².

In contrast, Patret discloses a desk pad (not mouse pad) with dimensions of 40 cm to 60 cm, by 60 cm to 80 cm. This yields an area from 2400 cm² (40 cm x 60 cm) to 4800 cm² (60 cm x 80 cm). Thus, Patret's smallest disclosed desk pad is 4.78 bigger than the applicant's exemplary pad, and Patret's biggest desk pad is 9.56 times bigger.

Although the examiner apparently agrees that Patret's pad is not "relatively small" as required by the applicant's claims, the examiner suggests that it would have been obvious to shrink Patret's "desk pad" to "mouse pad" proportions. (See Examiner's

Appeal Brief
Ser. No.: 09/674,714
14 July 2005
Page 2

Answer, p.3).

However, the Examiner has not located any teaching in the prior art suggesting the miniaturization of desk pads to mouse pad proportions. There seems to be no reason to miniaturize Patret's desk pad.

To the contrary, Patret's desk pad would be inoperable if it were the size of a conventional mouse pad. If Patret's desk pad were the size of a conventional mouse pad, it could not include the keyboard and display that are included as part of the invention. See Fig. 1 (showing keyboard (232) and screen (231) integrated into desk pad). Thus, to serve its intended purpose, Patret's desk pad must be significantly larger than a typical mouse pad.

The examiner also argues that Patret's desk pad should be considered as an extra large mouse pad. (Examiner's Answer at 5 - 6). Patret itself never suggests such a use for its desk pad, but even if it did, the examiner's argument would still fail because the claims at issue specifically define "mouse pad" to exclude super-sized pads like Patret's. As noted above, the claims define "mouse pad" as "a relatively small pad with a substantially planar running surface." See e.g. Claim 1. Given the exemplary dimensions recited in the specification ("245 x 205 mm"), Patret's pad is excluded by the express language of the claims.¹

Conclusion

The examiner's rejection depends on an unreasonably broad definition of "mouse pad," and thus the rejections should be reversed and all claims allowed.

Dated: 14 July 2005

By: Daniel P. Maguire
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¹ The applicant does not suggest that his claims are limited to pads of the particular size disclosed in the specification. Instead, the applicant suggests that "relatively small" excludes pads, like Patret's, that are a number of times bigger than a conventionally-sized pad.

Appeal Brief
Ser. No.: 09/674,714
14 July 2005
Page 3

Appendix A - Claims

1. A unit which comprises a card read/write device, characterized in that the unit is formed by a mouse pad which is adapted to be coupled to a computer so that the coupling creates a link between the computer and the card read/write device, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
2. A unit according to claim 1, characterized in that the card read/write device is formed by a SmartCard unit.
3. A mouse pad unit comprising a mouse pad and a card read/write device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
4. The mouse pad unit according to claim 3, wherein said card read/write device comprises a device for reading/writing smart cards.
5. The mouse pad unit according to claim 3, wherein said card read/write device comprises a device for reading/writing cards containing integrated circuits.
6. The mouse pad unit according to claim 3, wherein said card read/write device comprises a device for reading/writing cards containing stored data.
7. The mouse pad unit according to claim 6, wherein said data is magnetically stored.
8. A mouse pad unit comprising a mouse pad and a card read device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
9. The mouse pad unit according to claim 8, wherein said card read device comprises a device for reading smart cards.

Appeal Brief
Ser. No.: 09/674,714
14 July 2005
Page 4

10. The mouse pad unit according to claim 9, wherein said card read device comprises a device for reading cards containing integrated circuits.
11. The mouse pad unit according to claim 8, wherein said card read device comprises a device for reading cards containing stored data.
12. The mouse pad unit according to claim 11, wherein said data is magnetically stored.
13. A mouse pad unit comprising a mouse pad and a data storage read/write device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
14. The mouse pad unit according to claim 13, wherein said data storage read/write device comprises a CD-ROM read/write device.
15. The mouse pad unit according to claim 13, wherein said data storage read/write device comprises a disk drive read/write device.
16. The mouse pad unit according to claim 13, wherein said data storage read/write device comprises a removable hard drive read/write device.
17. The mouse pad unit according to claim 13, wherein said data storage read/write device comprises a DVD read/write device.
18. A mouse pad unit comprising a mouse pad and a data storage read device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
19. The mouse pad unit according to claim 18, wherein said data storage read device comprises a CD-ROM read device.

Appeal Brief
Ser. No.: 09/674,714
14 July 2005
Page 5

20. The mouse pad unit according to claim 18, wherein said data storage read device comprises a disk drive read device.
21. The mouse pad unit according to claim 18, wherein said data storage read device comprises a removable hard drive read device.
22. The mouse pad unit according to claim 18, wherein said data storage read device comprises a DVD read device.
23. A mouse pad unit comprising a mouse pad and a peripheral device integrated with said mouse pad, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
24. The unit according to claim 3, 8, 13, 18, or 23, additionally comprising means for communicating data between said unit and a computing device.
25. The unit according to claim 24, additionally comprising text placed on an exterior surface of said mouse pad.
26. The unit according to claim 24, additionally comprising a graphical image placed on an exterior surface of said mouse pad.
27. The unit according to claim 24, wherein said means for communicating data comprises a cable.
28. The unit according to claim 24, wherein said means for communicating data comprises a wireless communication device.
29. The unit according to claims 1, 3, 8, 13, 18, or 23, additionally comprising text placed on an exterior surface of said mouse pad.
30. The unit according to claims 1, 3, 8, 13, 18, or 23, additionally comprising a graphical

Appeal Brief
Ser. No.: 09/674,714
14 July 2005
Page 6

image placed on an exterior surface of said mouse pad.

31. A method for uploading data to a computer, comprising providing a mouse pad unit with a data storage read device integrated with a mouse pad, and inserting a data storage media into said mouse pad unit, and uploading data from said media onto a computer coupled to said mouse pad unit, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.
32. An advertising system, comprising a mouse pad having at least one exterior surface, a data storage device integrated with said mouse pad, and advertising placed on said exterior surface, wherein said mouse pad comprises a relatively small pad with a substantially planar running surface.